

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD JAMES MACNAB,

Plaintiff,

CIVIL CASE NO. 04-40291

v.

COMMISSIONER OF SOCIAL SECURITY,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Defendant.

_____/

ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court is defendant's motion to remand, filed on January 10, 2005, and the Report and Recommendation of the Honorable Wallace Capel, Jr., United States Magistrate Judge. The Magistrate Judge recommends that this Court grant Defendant's motion to remand and remand the matter pursuant to sentence four of 42 U.S.C. § 405(g). The Magistrate Judge served the report and recommendation on all parties on April 21, 2005 and notified the parties that any objections must be filed within ten days of service. Accordingly, any objections should have been filed by May 9, 2005. Neither party filed objections to the report and recommendation.

The Court's standard of review for a Magistrate Judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the

Court does not need to conduct a review by any standard. See Lardie v. Birkett, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." Thomas v. Arn, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the report and recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation, filed on April 21, 2005, is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that Defendant's motion to remand [docket entry 27, case no. 04-40382] is **GRANTED**.

SO ORDERED.

Dated: May 18, 2005

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on May 18, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Janet L. Parker, and I
hereby certify that I have mailed by United States Postal Service the paper to the
following non-ECF participants: Ronald James McNab.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
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